

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEVIN ALBERT POUND,  
Petitioner

v.

WARDEN JAMES VESHECCO,  
Respondents.

C.A. No. 05-156 Erie

District Judge McLaughlin  
Magistrate Judge Baxter

RULE AND ORDER

AND NOW, this 11th day of April, 2006, after Kevin Albert Pound presented a petition for a writ of habeas corpus,

IT IS ORDERED that the United States Marshal shall make service of this order, together with a copy of the petition, upon the Respondent, the District Attorney of Erie County, and the Attorney General of the Commonwealth of Pennsylvania. **All costs to be advanced by the United States.**

IT IS FURTHER ORDERED that within twenty days of service of this order, the respondent, and the District Attorney of Erie County, Pennsylvania shall respond to the allegations of the petition for writ of habeas corpus. The District Attorney shall address all of the following 1) the statute of limitations, 28 U.S.C. § 2254(d)(1)-(2); 2) the exhaustion of state court remedies as required by 28 U.S.C. §§ 2254(b) and Picard v. Connor, 404 U.S. 270 (1971); Rose v. Lundy, 455 U.S. 509 (1982); United States ex. rel. Trantino v. Hatrack, 563 F.2d 86 (3d Cir. 1977); Zicarelli v. Gray, 543 F.2d 466 (3d Cir. 1976), with respect to each claim raised by the Petitioner and, if appropriate, whether any of the claims were procedurally defaulted, and 3) the merits of the petition. The answer shall comply with Rule 5 of the Rules Governing Section 2254 cases in the United States District Courts. The District Attorney shall furnish this court with the state court records, including all transcripts, all briefs filed by the Petitioner, and all written opinions of the state courts/agencies as well as certified copies of the docket sheets of all the state courts/agencies involved.

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2006 AUG 25 PM 2:41  
PITTSBURGH, PA.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
Chief U.S. Magistrate Judge

cc: Kevin Albert Pound # Z1237  
Erie County Prison  
1618 Ash Street  
Erie, PA 16503  
  
James Veshecco, Warden  
District Attorney of Erie County  
Attorney General of Pennsylvania



7160 3901 9842 8022 1526

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

DAVID V. HARRIS, WARDEN  
DAKE COUNTY PRISON  
1013 4TH STREET  
PITTSBURGH, PA. 15203

C. Signature

X

Agent  
AddresseeD. Is delivery address different from item 1?  
if YES, enter delivery address below:Yes  
No

PITTSBURGH PA.

2006 SEP -5 P 2:31

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3-150E, V/P, 8/30/06, SKB

PS Form 3811, January 2003

Domestic Return Receipt

2. Article Number



7160 3901 9842 8022 1533

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

ANTHONY GREGORY COLANINNO JR. PA  
564 JONES AVENUE  
5TH FLOOR MASQUA BLDG  
PITTSBURGH, PA. 15219

3-150E, V/P, 8/30/06, SKB

PS Form 3811, January 2003

Domestic Return Receipt

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

8-31-06

C. Signature

X Leesan Jason

Agent  
AddresseeD. Is delivery address different from item 1?  
if YES, enter delivery address below:Yes  
No

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

Allison Singer

1/5/06

C. Signature

X Allison Singer

Agent  
AddresseeD. Is delivery address different from item 1?  
if YES, enter delivery address below:Yes  
No

PITTSBURGH PA.

2006 SEP -5 P 2:31

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PS Form 3811, January 2003

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